

MICHAEL A. JACOBS (CA SBN 111664)
MJacobs@mofo.com
ARTURO J. GONZÁLEZ (CA SBN 121490)
AGonzález@mofo.com
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, California 94105-2482
Tel: 415.268.7000 / Fax: 415.268.7522

KAREN L. DUNN (*Pro Hac Vice*)
kdunn@bsfllp.com
HAMISH P.M. HUME (*Pro Hac Vice*)
hhume@bsfllp.com
BOIES SCHILLER FLEXNER LLP
1401 New York Avenue, N.W.
Washington DC 20005
Tel: 202.237.2727 / Fax: 202.237.6131

WILLIAM CARMODY (*Pro Hac Vice*)
bcarmody@susmangodfrey.com
SHAWN RABIN (*Pro Hac Vice*)
srabin@susmangodfrey.com
SUSMAN GODFREY
1301 Avenue of the Americas, 32nd Floor
New York, NY 10019-6023
Tel: 212.336.8330 / Fax: 212.336.8340

Attorneys for Defendants
UBER TECHNOLOGIES, INC.
and OTTOMOTTO LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO TRUCKING LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF
THOMAS J. PARDINI IN SUPPORT
OF PLAINTIFF WAYMO LLC'S
ADMINISTRATIVE MOTION TO
FILE UNDER SEAL WAYMO'S
LETTER BRIEF REGARDING ITS
MOTION TO COMPEL (DKT. 2441)**

I, Thomas J. Pardini, declare as follows:

1. I am a member of the Bar of the State of California and an attorney at the law firm of Morrison & Foerster LLP. I make this declaration based upon matters within my own personal knowledge and if called as a witness, I could and would competently testify to the matters set forth herein. I make this declaration in support of Plaintiff Waymo LLC's Administrative Motion to File Under Seal Waymo's Letter Brief Regarding its Motion to Compel (Dkt. 2441).

2. I have reviewed the following documents and confirmed that only the portions identified below merit sealing:

Document	Portions to Be Filed Under Seal
Exhibit B	Red Boxes
Exhibit F	Red Boxes
Exhibit G	Entire Document
Exhibit H	Red Boxes
Exhibit O	Red Boxes

3. The red boxes in Exhibit B contain a list of current and former employee names relating to certain internal communications. Similarly, the red boxes on page 3 of Exhibit F and page 3 of Exhibit O contain the name of an Uber employee relating to the inventory of non-attributable devices. Uber requests these names be kept confidential in order to preserve the privacy of current and former employees of a company that is the subject of extensive media coverage, and to protect these individuals from harm or harassment. Uber's request is narrowly tailored to names that have not been made public with respect to this subject matter.

4. The red boxes on page 2 of Exhibit F and page 2 of Exhibit O contain the names of two former employees, who were involved in confidential negotiations with Uber relating to the possible implementation of a program that was never implemented at Uber and which was not the subject of the allegations by Richard Jacobs (and thus not directly relevant to the issues here). Their names have been maintained as confidential by Uber in relation to these confidential

1 proceedings. Uber requests that these names be kept confidential in accordance with the
2 confidential proceedings and in order to protect the privacy of these former employees.

3 5. The entirety of Exhibit G contains an Uber employee's draft internal document on
4 potential objectives considered by the employee for competitor research. This information has
5 been maintained as highly confidential. Disclosure of this information could allow competitors to
6 understand potential research objectives and options considered by an employee, indicating
7 specific information that Uber does and does not have about the self-driving industry, such that
8 Uber's competitive standing could be significantly harmed.

9 6. The red boxes in Exhibit H contain references to a confidential third party vendor
10 Uber used to conduct open-source research. Defendants request this information be sealed to
11 protect this confidential business relationship from disclosure and this third party vendor from
12 possible harassment.

13 7. Defendants' request to seal is narrowly tailored to the portions of exhibits to
14 Waymo's Letter Brief that merit sealing.

15 I declare under penalty of perjury that the foregoing is true and correct. Executed this 2nd
16 day of January, 2018 at San Francisco, California.

17
18 /s/ Thomas J. Pardini
19 Thomas J. Pardini
20
21
22
23
24
25
26
27
28